

III. REMARKS

Status of the Claims

Claims 1 and 4-6 are amended. Claims 2 and 3 are allowed. Claims 1, 4-6 are submitted for further consideration.

Summary of the Office Action

Claims 1 and 4-6 stand rejected under 35USC103(a) on the basis of the cited reference Kronstedt, U.S. Patent No. 6,308,082 in view of admitted prior art. The Examiner is respectfully requested to reconsider his rejection in view of the amendment and the following remarks.

The above amendment is submitted in response to the statements of the Examiner and the Board regarding features argued by Applicant, but not incorporated into the claims.

In addition claims 2 and 3 are rewritten in independent form and are allowable in accordance with the decision of the Board and the Examiner's statement of allowable subject matter.

Responsive Remarks

In applicant's appeal brief, it was argued that a central idea in the present invention is that the channel coding and/or interleaving schemes should be chosen independently for each new connection that is to be set up, so that when the request for setting up of a specific connection includes certain QoS parameters that the new connection should fulfil, the decision-making device will take the requested QoS parameters and use them as a basis for selecting the appropriate, connection-specific channel coding and/or interleaving schemes based on the expected use.

The Examiner places considerable reliance on the following excerpt of this application:

"It is known from the prior art that an MS is capable of generating requests for setting up new bearers over the radio interface and in some cases for redefining the characteristics of existing bearers. It is likewise known from prior art that such a request may comprise, within appropriate fields, a selection of Qos parameter values which the MS would like the new or redefined bearer to have."

The above text only states that desired Qos parameters may be included in a request for a new bearer. It gives no indication with respect to how such Qos parameters are to be used.

The use of desired quality of service parameters as a basis for allocating channel coding and/or interleaving scheme is a feature of the claims of this application that is not disclosed in the so called "admitted prior art".

In addition the "admitted prior art" does not indicate that the desired quality of service parameters are mapped to the allocated channel coding and/or interleaving scheme as part of the allocation process.

Further there is nothing in the "admitted prior art" that indicates that the allocation process is applied on a connection by connection basis.

Applicant has submitted further amendments to the claims of this application to clearly define these distinguishing features of the subject matter of this application.

The Examiner cites the reference Kronestedt as teaching all the deficiencies of the "admitted prior art".

First, the reference Kronestedt does not operate on a connection by connection basis. This is explicitly stated at column 5, lines 16-23 of Kronestedt, as follows:

“The fixed-site transceivers and mobile stations of the cell respond to this mode information by implementing a modulation and channel coding scheme corresponding to the selected mode. This modulation and channel coding scheme will be implemented by all mobile stations and fixed-site transceivers of the cell, so that all radio links of the cell will operate in the same modulation and channel coding mode.”

Second the reference Kronestedt does not indicate any use of desired quality of service parameters. Kronestedt uses quality measurements of a given cell received during normal operation (see column 3, lines 53-56). Kronestedt therefore teaches adapting a new connection to existing quality conditions. It does not teach adapting a new connection to the desired quality parameters needed by the use to which the new connection will be put.

It is now clear from the claims, as amended, that the allocation of a channel coding and/or interleaving scheme for independent application to said specific communication connection is based, at least in part, on desired quality of service parameters and that mapping of the desired Qos parameters to the allocated channel coding and/or interleaving scheme is part of the allocation process. The Examiner's reliance on the decision of the board relating to “mapping request messages to predetermined channel coding scheme” is, therefore, no longer relevant.

The Examiner also relies on the Decision of the Board as supporting the premise that the admitted prior art discloses that the mobile terminal generates a request

message to set up or change a specific connection. The Board only stated as follows:

"... a reasonable interpretation of what Appellant has admitted to be prior art is that request messages related to the setting up of a new connection, for example would be "associated with a certain first communication connection" as claimed. To whatever extent, Appellant is suggesting that the admitted prior art does not independently apply a request to "a first communication connection," no such "independently applying" language appears in the claims."

Since Applicant has amended the claims to include such language, the Examiner's reliance on the Board's decision is no longer applicable.

In the cited reference Kronestedt, if there is made a positive connection-specific allocation decision (i.e. the network agrees to set up the requested connection), the next thing the reference teaches is to pick the very same channel coding method for use in the new connection that the mode selector has selected also for everyone else. The principle of Kronestedt, is based on always having the very same channel coding scheme for everyone in the cell. This simply makes it impossible to select one channel coding scheme for one connection and another, different channel coding scheme for another simultaneous connection. In the present invention this is what happens, if there are two simultaneous connection requests that include different QoS parameters: the decision-making device makes a separate decision for both requests, and as a part of each decision, maps just those QoS parameters included in that request to a particular channel coding and/or interleaving scheme.

Applicant submits that the above described deficiencies of the primary reference "admitted prior art" are not remedied by the proposed combination with the teaching of the reference Kronestedt. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of

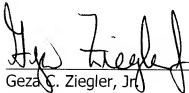
Kronstedt and the "admitted prior art", in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a one month extension of time (\$120) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

7 Nov 2006

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7 November 2006

Signature: 

Lisa Shimizu
Person Making Deposit